

Hearing Date: April 20, 2010 at 10:00 a.m.

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., <u>et al.</u> ,	:	08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
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**JOINDER OF OFFICIAL COMMITTEE OF UNSECURED
CREDITORS IN DEBTORS' OBJECTION TO
MOTIONS FILED BY SIMEON MORENO**

The Official Committee of Unsecured Creditors (the "Committee") of
Lehman Brothers Holdings Inc. ("LBHI") and its affiliated chapter 11 debtors and
debtors in possession (collectively, the "Debtors") hereby joins (the "Joinder") in the
Debtors' objection, filed on April 16, 2010 (Docket No. 8407, the "Objection"), to
Simeon Moreno's (the "Movant") (a) motion (i) to deem his proof of claim as timely
filed, *nunc pro tunc*; (ii) for relief from the automatic stay; (iii) for permission to attend
hearing *via* telephone conference; and (iv) for exemption from service requirements as to
certain parties in the master service list (Docket No. 7366, the "First Motion"), and (b)
motion for declaration that the automatic stay does not apply and that his claims
constitute administrative expenses of the estate (Docket No. 7924, the "Second Motion")

and, together with the First Motion, the “Motions”), and in support thereof, respectfully states as follows:

JOINDER

1. The Committee joins in the Debtors’ objection to certain of the relief sought in the Motions for all the reasons set forth in the Objection, including, without limitation, on the grounds that:

- (i) as to the First Motion, the Movant fails to meet the standard for excusable neglect pursuant to Federal Rule of Bankruptcy Procedure 9006(b) because the Movant had timely and adequate notice of LBHI’s interest in the Mortgage (as defined in the Objection); and
- (ii) as to the Second Motion, since the validity of any claims the Movant may have against LBHI is yet to be determined in the Movant’s own chapter 13 case, his assertion of an administrative expense priority status with respect to such claims is entirely premature, and no evidence has been offered by the Movant with respect to such alleged entitlement.

2. As to the Second Motion, the Committee concurs that the automatic stay should be modified for the very limited purpose of allowing the court in the Movant’s chapter 13 case to determine the parties’ respective rights under the Mortgage and the related note executed by the Movant.

3. Finally, although the Committee does not take issue with the Movant’s request that the Second Motion be considered before the First Motion during

the hearing on April 20, 2010, the Committee agrees with the Debtors' statement that the First Motion would not be rendered moot by any determination regarding the Second Motion because the Second Motion does not address in any way the timeliness of the Movant's proof of claim.

WHEREFORE, for all the reasons set forth herein and in the Objection, the Committee respectfully requests that the Court (i) deny the First Motion; (ii) deny the Second Motion, except for the modification of the automatic stay to the limited extent agreed to by the Debtors, and (iii) grant the Committee such other relief as is just.

Dated: New York, New York
April 19, 2010

MILBANK, TWEED, HADLEY & M^cCLOY LLP

By: /s/ Dennis F. Dunne

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